

SECOND REGULAR SESSION

SENATE BILL NO. 773

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CASKEY.

Read 1st time January 5, 2000, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

2605S.021

AN ACT

To repeal section 571.030, RSMo Supp. 1999, relating to concealed weapons, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 571.030, RSMo Supp. 1999, is repealed and one new section enacted in lieu thereof, to be known as section 571.030, to read as follows:

571.030. 1. A person commits the crime of unlawful use of weapons if he knowingly:

(1) Carries concealed upon or about his person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

(6) Discharges a firearm within one hundred yards of any occupied school house, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any school, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof, or into any public assemblage of persons met for any lawful purpose; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense.

2. Subdivisions (1), (3), (4), (6), (7), (8) and (9) of subsection 1 of this section shall not apply to or affect any of the following:

(1) All state, county and municipal law enforcement officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the armed forces or national guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole; [and]

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340, RSMo;

(9) Any coroner, deputy coroner, medical examiner or assistant medical examiner; and

(10) Any prosecuting attorney, assistant prosecuting attorney, United States attorney or deputy United States attorney who meets the requirements of subsection 3 of this section.

3. A prosecuting attorney, assistant prosecuting attorney, United States attorney or deputy United states attorney who does not have a valid permit to carry a firearm shall complete thirty hours of firearms safety training with a federal, state or local law enforcement agency before he or she may be exempted from the provisions of

subsection

4. Subdivisions (1), (5) and (8) of subsection 1 of this section do not apply when the actor transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is

subsection 1 of this section does not apply when the actor is also in possession of an exposed or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or upon business

continuous journey peaceably through this state.

4.] 5. Unlawful use of weapons is a class D felony unless committed under subdivision (6), (7) or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision

violation of subdivision (9) of subsection 1 of this section results in injury or death to another it is a class A felony.

[] Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

For the first violation a person shall be sentenced to the maximum authorized term of imprisonment

(2) For any violation by a prior offender as defined in section 558.016, RSMo, a person be sentenced to the maximum authorized term of imprisonment for a class B felony without the

(3) For any violation by a persistent offender as defined in section 558.016, RSMo, a person be sentenced to the maximum authorized term of imprisonment for a class B felony without the

(4) For any violation which results in injury or death to another person, a person shall be to an authorized disposition for a class A felony.

[] Any person knowingly aiding or abetting any other person in the violation of subdivision

prescribed by this section for violations by other persons.

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